

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HEATHER LEE MEHUDAR,

Plaintiff,

vs.

TREVOR J. HATFIELD,

Defendant.

Case No. 2:16-cv-02700-JAD-GWF

ORDER

This matter is before the Court on Movant Equal Employment Opportunity Commission's ("EEOC") Motion to Quash (ECF No. 10), filed on January 23, 2017. Plaintiff filed her Notice (ECF No. 13) regarding the EEOC's Motion to Quash.

Plaintiff alleges claims of misconduct against her former attorney, Defendant Hatfield, who appears to have represented her in a separate employment related lawsuit. *See* ECF No. 1. On or about January 9, 2017, Plaintiff served a subpoena to produce documents upon the EEOC, a non-party to this matter. *See Motion* (ECF No. 10), pg. 4-5. The subpoena requests all written correspondence from Defendant Hatfield in relation to Plaintiff's alleged wrongful termination from Rock Springs Massage Envy and an affidavit of any verbal discussions with Mr. Hatfield regarding his representation or relating to Plaintiff's case against Rock Springs Massage Envy. The EEOC requests that the Court quash the subpoena pursuant to Fed. R. Civ. P. 45 because it seeks documents that the EEOC is prohibited from disclosing pursuant to Title VII of the Civil Rights Act of 1964, is unduly burdensome, and premature. *See Motion* (ECF No. 10), pg. 3-4.

Rule 26(d)(1) states that "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)..." Fed. R. Civ. P. 26(d)(1). This action was

1 removed to this Court on November 23, 2016. See ECF No. 1. To date, the parties have not filed a
2 discovery plan or scheduling order pursuant to Rule 26(f) or Local Rule 26-1. Discovery is
3 therefore premature. The Court grants movant's Motion to Quash without prejudice to Plaintiff
4 serving a renewed subpoena to the EEOC on the grounds that discovery is not authorized before the
5 parties have conferred as required by Rule 26(f). Accordingly,

6 **IT IS HEREBY ORDERED** that Movant Equal Employment Opportunity Commission's
7 ("EEOC") Motion to Quash (ECF No. 10) is **granted**.

8 DATED this 1st day of February, 2017.

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11 GEORGE FOLEY, JR.
12 United States Magistrate Judge
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